had been paid and that he was apprehensive of the events that might follow.

Those again were matters eminently suited for consideration of the Jury. The question we have to consider is, were they properly put — reasonably and fairly put — by the learned trial judge in his charge. We have studied the charge with care and we are satisfied that these matters were perfectly properly and perfectly fairly put to the Jury and that there was no misdirection in that regard. Therefore we consider that there is no substance on this ground of appeal also.

We now have the question that is of course always one of relevance in these identification cases, that is, whether the circumstances at the time were such as would have made it reasonably likely that the eye-witnesses could have identified. And there then arises the additional question as to whether they in fact did so. The first question to be considered is whether the conditions were such that identification was possible, and that, of course, would depend — as it was night — to some extent on the lighting. We are told that it was dark. We assume there was no moon, but there is the evidence of the police witness, the Inspector, who was there, that there was artificial lighting. The learned trial judge when putting that matter to the Jury said they should consider the factual evidence — that is, the evidence of the police officer on this matter of the lighting — and that they should also consider the fact that the place was a community centre, and that therefore they could reasonably infer that there was sufficient light to enable an identification to be made. It seems to us that that was a perfectly fair way of putting the matter to the Jury and does not afford any substantial ground of complaint.

The next question is whether there was in fact identification, and that, of course, again is entirely a matter for the Jury's consideration. We have the evidence of one witness who said he saw the accused stab. Provided that there was no misdirection — and there is no suggestion, indeed there can be no ground for any suggestion that this was the case — the matter remains, in our opinion, eminently for the consideration of the Jury.

Therefore, having regard to all these matters we are unable to say that the verdict was unreasonable, or that there was any substantial misdirection.

The appeal is therefore dismissed and the conviction confirmed.

Appeal dismissed.

Solicitors: *Oehlers & Co.*

QUEK SENG HEE v. WAH KIM BENG

[C. A. (Rose C.J., Tan Ah Tah and Buttrose JJ.) March 25, 1959]

[Singapore — Civil Appeal No. 2 of 1959]

Damages — Special damages for period 12 months following accident — Abolition of post — No prospect of continued employment.

Even if the particular post which the plaintiff held at the time of the accident was shortly to be abolished and he had no prospect of continued employment with a particular firm, it would not be fair to assume that he could not have got some sort of employment during that period and this shall be taken into consideration in increasing the damages.

COURT OF APPEAL.

N. A. Christopher for the appellant.
D. G. Ironside for the respondent.

Rose C.J.: This is an appeal purely on the question of damages.

The appellant no doubt sustained severe injuries, involving a compound fracture of a leg and the fracture of five or six ribs with complications. There was also an injury to the liver; and concussion.

As regards the general damage, while perhaps the sum awarded is on the low side, we consider that in the light of the principles which guide appeal courts in these matters it cannot be said that the sum is manifestly too low. The award of $10,000 must therefore remain undisturbed.

There arises, however, a matter relating to special damage, which the learned Judge appears to have dealt with under the head of general damages. It relates to a period of twelve months following the accident during which the appellant was unable to engage in any employment.

While it is true, as the learned trial Judge pointed out, that the particular post which the appellant held at the time of the accident was shortly to be abolished and that the appellant had no prospect of continued employment with the particular firm, it seems to us that it is not fair to the appellant to assume that he could not have got some sort of employment during that period.

An estimate should, we think, be made as to the sort of wage that the appellant would be likely to have been able to obtain had he been fit to work during that twelve months' period. Any such sum so awarded properly falls, in our opinion, under the head of special damages.

We consider that for the twelve months in question a reasonable estimate of the appellant's likely earnings would be $2,000, and we therefore award him that amount under the head of special damages in addition to the sums already so awarded by the learned trial Judge.

The appellant will have the costs of this appeal. The $500 which was paid as security for this appeal must be paid out to the appellant.

Appeal allowed.

Solicitors: *de Souza & Christopher; Battenberg & Talma.*